

NFAC # 2724-78

30 JUN 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: John N. McMahon
Deputy Director for Operations

SUBJECT: CIA/DoD Command Relationships
Agreement and Memorandum of
Understanding

1. This memorandum furnishes background for your use in talking to Secretary Brown concerning the "1957 CIA-DoD Command Relationships in Wartime Agreement" which the Secretary raised with you in your conversation of 15 June 1978 (Tab A).

2. Two major agreements presently exist between the DCI and the Secretary of Defense: the Command Relationships Agreement (CRA), which dates from 1957 in its current version, and the Memorandum of Understanding (MOU) completed in 1967. The 1957 Command Relationships Agreement delineates command relationships between the CIA and the U. S. Armed Forces in active theaters of war where American forces are engaged. Basically, the Agreement, when implemented, places CIA forces in "active theaters of war" under the operational command of the Theater Commander as a component force (with its own organizational integrity). The Agreement also provides for "exceptional operations" which because of exceptional political, diplomatic and other implications, may be conducted independently by CIA. The CRA has never been invoked.

3. The Memorandum of Understanding covers arrangements between the CIA and the Department of Defense for mutual support in contingency situations short of general war. It includes such operations as unconventional warfare, special operations, cover and deception, counterinsurgency and psychological operations. The MOU has come into play on several occasions.

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4. In 1974-75, both CIA and the JCS proposed separate redrafts of the CRA. The central issue in considering revision of the CRA is the extent to which CIA field components should be placed under the operational command of a military Theater Commander in wartime. A key subsidiary consideration is the determination of what, for the purposes of the Agreement, should be considered to constitute wartime. One of the major differences in the CIA and JCS 1974 drafts concerns the timing of CRA implementation. The JCS version called for the implementation "when U. S. forces are engaged in an active theater of war, or when mutually agreed upon by the DCI and the Secretary of Defense, or when the President so directs". CIA, however, felt that the CRA should not be implemented before the transfer of authority from the Ambassador to the military commander. In short, CIA felt that premature implementation might upset its association with civilian intelligence services and also certain delicate case officer/agent relationships. Further, CIA stations in the Unified and Specified Command geographic area responsibility would not necessarily be affected at the outbreak of hostilities

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5. The CRA issue does not exist independently. Rather, it is an important part of the broader consideration of the DCI's role in war, crises and contingencies. Nothing in the current statute or executive instruments appears to modify in any way during crisis or wartime the responsibility assigned to the DCI to serve as primary advisor to the President on foreign intelligence. Clearly, there is a need to preserve the DCI's equities as the President's advisor by retention of control of assets required for the fulfillment of national intelligence responsibilities. Any agreements must be compatible with and reflect the realities in the DCI's role in wartime and crisis.

6. Mr. Richard Lehman's I and W Working Group has just completed a study on the Role of the DCI in War and Crisis Management. The Working Group recommends a DCI warning structure comprised of an overseer of warning, a permanent committee for warning and crisis and a full time senior warning officer.

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7. One of the first tasks that this structure could well address would be the revision of the CRA and the MOU (in addition to a number of other agreements which relate in some way to these).

8. Recommendation: It is recommended that you inform Secretary Brown that the 1974 JCS proposed revision of the CRA needs further clarification and that it should not be signed at this time nor should the 1957 agreement be rescinded. Rather, you propose to have your I and W staff look at the overall problem of crisis and warning, and, in particular, relationships between DoD and CIA, with a view to drafting a new Command Relationships Agreement and such other Memoranda of Understanding as may seem necessary.

[Redacted Signature]

John N. McMahon

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Attachment
As Stated Above

STAN
- IN ADDITION EO 12036
PROVIDES FOR TASKING OF INTEL ORGS
BY SECDEF - HENCE THERE ARE NO
LOOSE ENDS AS FAR AS INTEL
RESPONDING TO WARTIME NEEDS OF
SECDEF - LEHMAN'S GROUP CAN
SORT OUT WHAT HAPPENS TO CIA
ORGANIZATIONALLY IN WARTIME
SITUATION

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